



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/792,371

03/03/2004

Rance A. Kirtley

1209-45

4236

23869 7590 04/23/2007
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

04/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/792,371

Applicant(s)

KIRTLEY ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3-3-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elman et al. (US PAT: 7,143,152, filed 3-31-2000) in view of Manthoulis et al. (US PAT: 6,963,542, filed 1-15-2003, hereinafter Manthoulis).

Regarding claim 1, Elman discloses the following: in a telecommunication network having at least one operation support system, the method for automatic provisioning and maintenance of the operation support systems, the method comprising: receiving from at least one operating support system (reads on 102, 108, fig. 1) a request related to network elements of at least one EMS client (106, fig. 1, creating a data set of detailed descriptions (as shown in 604, 606, fig. 6) based on request for each of the network elements using a database (116, fig. 1) and provisioning logic in (114, fig. 1), transmitting resulting data set to the operating support system which submitted the request (figs. 4-6, col. 8, line 22 – col. 9, line 29).

Elman differs from claim 1 in that he does not specifically teach: transmitting an asynchronous notification of the resulting data set to all operating support systems.

However, Manthoulis discloses web based capacity management system which teaches: transmitting an asynchronous notification of the resulting data (reads on particular threshold data) set to all operating support systems (col. 4 lines 35-42).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Elman's system to provide for the following: transmitting an asynchronous notification of the resulting data set to all operating support systems as this arrangement would provide means for efficiently managing network system as taught by Manthoulis.

Regarding claims 2-6, Elman further teaches the following: database (116, fig. 1) information on attributes associated with network elements as shown by items 604, 606 in fig. 6, selecting at least one of the network element attributes from the database based request received from the operating system (col. 9 lines 24-29), attributes include managed element, topological link, multilayer sub network, PTP, CTP, equipment holder, equipment, routing link, sub network connection etc as shown in figs. 5-6 (col. 8, line 63 – col. 9, line 29), request includes instructions to create a connection between EMS clients and notifying the connection to all the operating support systems (fig. 1; col. 4 lines 25-43).

Elman differs from claims 7-9 in that he does not specifically teach: asynchronous notification is transmitted upon: creation of network elements, deletion of network elements, change in the state of the network elements.

However, Manthoulis teaches the following: asynchronous notification is transmitted upon change in the state of the network elements (col. 4 lines 35-43).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Elman's system to provide for the following: asynchronous notification is transmitted upon: creation of network elements, deletion of

network elements, change in the state of the network elements as this arrangement would provide means for efficiently managing network system as taught by Manthoulis.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elman in view of Manthoulis as applied to claim 1 above, and further in view of Sauriol et al. (US PAT: 7,206,825, filed 12-31-2001, hereinafter Sauriol).

The combination differs from claim 10 in that it does not teach: network elements simulate behavior of the EMS clients

However, Sauriol discloses system and method for network configuration engine which teaches: network elements simulate behavior of the EMS clients (fig. 3; col. 3 lines 33-52).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: network elements simulate behavior of the EMS clients as this arrangement would facilitate for modification or testing of various network elements as taught by Sauriol, thus contributing efficient network configuration.

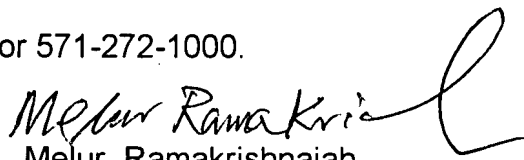
4. Claims 11-16 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614